OPINION 756

LEPTOPHIS VERTEBRALIS DUMÉRIL, BIBRON & DUMÉRIL, 1854 (REPTILIA): SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *vertebralis* Duméril, Bibron & Duméril, 1854, as published in the binomen *Leptophis vertebralis*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *barbouri* Taylor, 1922, as published in the binomen *Natrix barbouri* is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2106.

(3) The specific name *vertebralis* Duméril, Bibron & Duméril, 1854, as published in the binomen *Leptophis vertebralis* (as suppressed under the plenary powers in (1) above) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 840.

HISTORY OF THE CASE (Z.N.(S.) 1559)

The present case was submitted to the office of the Commission by Professor Hobart M. Smith in July 1962. Professor Smith's application was sent to the printer on 4 October 1962 and was published on 21 October 1963 in *Bull. zool. Nomencl.* **20** : 361–362. Public Notice of the possible use of the plenary powers was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to two herpetological serials. The application was supported by Dr. Carl L. Hubbs.

DECISION OF THE COMMISSION

On 3 June 1965 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (65)17 either for or against the proposals set out in *Bull. zool. Nomencl.* **20** : 362. At the close of the prescribed voting period on 3 September 1965 the state of the voting was as follows:

Affirmative votes—twenty-one (21), received in the following order: Mayr, Bonnet, China, Vokes, Binder, Riley, Simpson, Munroe, Miller, Alvarado, do Amaral, Lemche, Uchida, Tortonese, Obruchev, Forest, Boschma, Ride, Kraus, Mertens, Jaczewski.

Negative votes—three (3): Holthuis, Sabrosky, Brinck.

Voting Papers not returned—one (1) : Evans.

Commissioners Stoll and Hubbs returned late affirmative votes.

The following comments were made by Commissioners in returning their votes:

Dr. L. B. Holthuis (11.vi.65): " Since the type of *L. vertebralis* is present and the identity of the species beyond all doubt, I do not see why this, the oldest name, should not be used, especially so since the specific name *barbouri* has been used only a few times."

Mr. C. W. Sabrosky (19.vii.65): " This case does not merit suspension of the Rules. The name to be saved is neither widely nor frequently used (at most

a dozen times in forty years), nor is it of great importance. I see no reason for honoring or excusing Boulenger's oversight or Taylor's (1922) failure to find and study the type. If Taylor concluded that it was ' probably a species of *Natrix* ', it behoved him to find out before describing new Philippine species of *Natrix*! "

Dr. Per Brinck (11.viii.65): " I disagree! *Natrix barbouri* was described only in 1922 and as far as I can see there will be no confusion or trouble by taking over the old name (*L. vertebralis* of 1854) for the species. Under similar conditions this is quite a usual procedure, particularly in entomology."

Original References

The following are the original references for names placed on the Official List and Index by the Ruling given in the present Opinion:

barbouri, *Natrix*, Taylor, 1922, *Philippine J. Sci.* **21** : 291–293.

vertebralis, *Leptophis*, Duméril, Bibron & Duméril, 1854, *in* Roret's Suites à Buffon, *Erpét. Gén.* **7** : 543–544

CERTIFICATE

We certify that the votes cast on Voting Paper (65)17 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission is truly recorded in the present Opinion No. 756.

G. OWEN EVANS
Secretary

W. E. CHINA
Assistant Secretary

International Commission on Zoological Nomenclature
London
30 *September* 1965